

PS 5381.05 INMATE ORGANIZATIONS



Program Statement

OPI: FPI
NUMBER: 5381.05
DATE: 2/13/2001
SUBJECT: Inmate Organizations

1. **[PURPOSE AND SCOPE § 551.30. The Bureau of Prisons permits inmates and persons in the community to participate in approved inmate organizations for recreational, social, civic and benevolent purposes.]**

An organization which has inmate membership and which performs, or may perform, an activity or function related to a federal institution is considered an inmate organization. An inmate organization may include persons from the community.

This Program Statement establishes the basic procedures concerning the establishment, regulation, and operation of inmate organizations and provides a uniform system whereby all organizations of this type will operate within a similar framework of administrative and financial management. These instructions apply to all inmate organizations (e.g., social, civic, etc.).

The procedures as outlined in the following sections must be followed. An Institution Supplement is to be issued to implement this Program Statement at those institutions operating an inmate organization (see Section 15).

2. **SUMMARY OF CHANGES.** This revision updates the Standards Referenced section and Management Responsibility section. Guidelines on the appropriate use of Trust Fund profits for inmate activities is removed from this policy since they are referenced in the Trust Fund/Warehouse/Laundry Manual.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

Accountability For Accumulated Funds is removed and clarification

on non-expendable purchases by the Trust Fund and the elimination of fund raising activities is added to this policy. Editorial and format changes as required by current Bureau policy are made.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. The inmate will be provided recreational, social, civic, and benevolent benefits through inmate organizations.

b. The activities of each inmate organization will be monitored and regulated by designated staff.

c. Each inmate organization will abide by Bureau policy and maintain accurate records or be subject to sanction or dissolution.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5381.04 Inmate Organizations (3/19/96)

b. **Directives Referenced**

PS 4500.04 Trust Fund/Warehouse/Laundry Manual
(12/15/95)

PS 4400.03 Property Management Manual (2/27/96)

c. Rules cited in this Program Statement are contained in 28 CFR 551.30-37.

5. **STANDARDS REFERENCED**

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4428

b. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-5C-06

6. **[APPROVAL OF AN ORGANIZATION § 551.31**

a. An inmate must submit a request for recognition of a proposed inmate organization to the Warden. The organization may not become active without the Warden's approval.

b. The Warden may approve an inmate organization upon determining that:

(1) The organization has a constitution and bylaws duly approved by its members; the constitution and bylaws must include the organization's purpose and objectives, the duties and responsibilities of the officer(s), and requirements for activities reporting and operational review; and

(2) The organization does not operate in opposition to the security, good order, and discipline of the institution.]

Inmates are authorized to participate in only those organizations which the Warden has recognized and sanctioned.

7. **MANAGEMENT RESPONSIBILITIES.** The Warden at each institution must ensure that inmate organizations adhere to the requirements of this Program Statement. The Warden is responsible for submitting an annual certification to the appropriate Regional Director certifying that each inmate organization complies with this Program Statement.

This certification, at a minimum, must contain those items described in Section 8 below and note any deviations or discrepancies from this Program Statement, along with a corrective plan of action. This certification must be submitted by March 31 of each year.

To provide adequate management oversight, the Warden, at his or her discretion, may authorize official duty time to allow staff to assist inmate organizations to fulfill the requirements of this Program Statement. Should duties concerning inmate organizations be assigned to bargaining unit staff, the Warden must authorize sufficient duty time to allow bargaining unit staff to fulfill the assigned duties, with due consideration given by the employee's supervisor to the time requirements of the assigned collateral duty.

8. **[STAFF SUPERVISION § 551.32**

a. The Warden shall appoint a staff member as the institution's Inmate Organization Manager (IOM). The IOM shall be responsible for monitoring the activities of the institution's inmate organizations and staff sponsors.]

(1) Each Warden will appoint an Associate Warden (lower delegation is not authorized) as the IOM to be responsible for monitoring the activities of inmate organizations. The Associate Warden's responsibility will also be outlined in the Institution Supplement on Inmate Organizations.

(2) The IOM is responsible for reviewing the information submitted by inmate organizations and for providing written annual certification to the Warden, no later than January 31 of each year, that the inmate organization(s) comply with all applicable Bureau policies.

The certification must include, at a minimum, the following:

- (a) The Institution Supplement is current;
- (b) Constitution/bylaws of organization(s) are current;
- (c) Status of each organization's compliance with policy;
- (d) Summary of activities of inmate organizations.

(3) The IOM is to review the information various inmate organization staff sponsors submit to ensure activities are proper and authorized and within the requirements of this Program Statement.

(4) The IOM is to have the authority to recommend whatever administrative action is necessary to achieve compliance with Bureau policy or program review including sanctions as specified in Section 11.e. below.

(5) The IOM must coordinate the inmate organizations' activities through the assigned staff sponsor for each organization.

[b. The Warden or designee shall assign to a staff sponsor responsibility for supervising the activities of an individual inmate organization. The staff sponsor's duties are performed while in official duty status.]

The staff sponsor is responsible for:

(1) Ensuring that a file is maintained on each inmate organization which includes:

- a copy of the Institution Supplement;
- a copy of the organization's current constitution/bylaws;
- certifications on the status of the organization by the Warden;
- quarterly activity statements;
- approved requests for activities and funding; and
- documentation to show any request for correcting deviations noted during a program review or operational review and the responses from the institution.

(2) Ensuring appropriate approvals are obtained for inmate organization activities.

(3) Overseeing or ensuring oversight is provided at all inmate organization activities.

(4) Coordinating the process of requesting funds for inmate organization activities and acknowledging the receipt of any goods and services obtained for inmate organization activities.

(5) Ensuring that the collection and payment of dues (if applicable) are properly processed (see Section 9 below).

(6) Ensuring that the quarterly summary of inmate organization activities is submitted to the IOM by the 15th of the month following the end of each quarter. The activities report must include any problems encountered with functions of an inmate organization and recommendations for resolution.

(7) Ensuring that an annual operational review as noted below is conducted and any Program Review deviations related to the inmate organization are properly addressed.

Staff, including the sponsor, may volunteer time to work in a capacity other than sponsor. This is to neither be part of the volunteer's regularly prescribed duties nor be reflected in the volunteer's position description.

(8) Staff, including the sponsor, may be invited by the inmate organization to be guests at an upcoming event outside of their official duty time. As guests, staff members may participate in the event as spectators, but shall not work on regularly prescribed duties or special assignments.

9. [DUES § 551.33. Dues may be collected if they are required by the national organization, are collected by that same national organization, and the rate and method of collection have been approved by the Warden. No portion of the dues may be kept by the inmate organization for use at the institution. The organization may not make payment of dues a requirement of membership for an inmate who lacks funds.]

Only those dues required by the national organization of an inmate organization (e.g., Jaycees) may be collected. These dues must be collected from inmates using form BP-199 or BP-201 with the funds sent directly to the national organization headquarters. No portion of the dues may be kept for use at the institution. No Trust Fund profit-sharing funds may be used to pay organization dues.

10. CONSTITUTION/BYLAWS

a. Each organization must have a written constitution and a set of bylaws which have been duly approved by the membership. The following items are to be included:

(1) General statement regarding the purpose and objectives of the organization.

(2) Designation of an officer of the organization who is responsible for the organization's records.

(3) Requirement for a quarterly summary of activities of the inmate organizations during the period. These summary statements for each organization must be prepared to reflect the distinct activity and/or project.

(4) Requirement for an operational review to be conducted at least annually, by staff other than an official of the organization. This review must use the current Bureau Program Review Guidelines for inmate organizations and include the annual review of the Institution Supplement.

(5) Requirement for copies of items described in Section 8.b.(6) above to be furnished to the IOM no later than the 15th day of the month following the end of each quarter.

(6) Statement banning the inmate organization from conducting fund-raising activities or possessing assets.

b. The constitution/bylaws must contain the specific requirements as listed above. Merely specifying compliance with this Program Statement is not sufficient to guarantee knowledge of its requirements.

11. **ORGANIZATION ACTIVITIES § 551.34**

a. An officer of the inmate organization must submit a written request for approval of an activity to the Warden or designee. Activities include, but are not limited to, meetings, guest speakers, sports competitions, banquets, or community programs. Activities may not include fund-raising projects. The request must specifically include:

- (1) Name of the organization;
- (2) Nature or purpose of the activity;
- (3) Date, time, and estimated duration of the activity;
- (4) Estimated cost;
- (5) Information concerning guest participation;
- (6) Other pertinent information requested by the Warden.

b. The Warden may approve the request if the activity:

The "Warden" also includes the designee.

(1) Does not conflict with scheduled inmate work or program activities;

(2) Has confirmation of staff supervision;

(3) Can be appropriately funded when applicable (see § 551.36);.]

28 CFR § 551.36 refers to Section 13 of this Program Statement.

[(4) Does not conflict with the security, good order, and discipline of the institution.]

The Warden or designee must have approved a written request for any activity including meetings to be held by an inmate organization.

This request is to include those items referenced above and any special requirements requested by the Warden or designee which are included as a part of the Institution Supplement. A copy of any approved inmate organization activity request is to be maintained in the file for that organization.

At the Warden's or designee's discretion, an annual calendar of organization activities or events may be approved. If this method is used, any revisions to the approved calendar would be handled in the manner described above. A copy of the approved calendar is to then accompany any specific funding request.

Staff on official duty time are to supervise all scheduled activities and meetings. The organization may not hold meetings at times which conflict with scheduled inmate work or program activities.

[c. When an activity requires the expenditure of government funds, the Warden ordinarily shall require reimbursement from non-inmate participants (guests or members).]

The attendance of guests at institution organization meetings and activities requires the Warden's approval. Ordinarily, the Warden is to require guests to purchase a meal ticket when attending banquets when the government incurs the cost. The government may incur the cost only for banquets open to the general inmate population. Upon the Warden's approval, guest meal tickets may be furnished without charge to persons whose service to the institution is in the best interests of the government as provided for in the Property Management Manual.

[d. Each inmate organization shall be responsible for maintaining accurate records of its activities.]

Inmate organizations must maintain accurate records of the activities, requests, and approvals as outlined in this Program Statement.

[e. The activities of an inmate organization may be suspended temporarily due to noncompliance with Bureau policy. The IOM is responsible for recommending the specific suspension sanction for the Warden's approval. The inmate organization is to receive written notice of the proposed suspension sanction and shall have the opportunity to respond to the Warden. Continued noncompliance with Bureau policy shall result in an increase in the severity of the suspension sanction and may include withdrawal of approval of the organization.]

The inmate organization is to receive written notice of such recommendation and is to have the opportunity to respond. Any sanction taken is to be commensurate with the violation(s) detected and the number of violations and must be approved by the Warden.

12. **[WITHDRAWAL OF APPROVAL OF AN ORGANIZATION § 551.35. The Warden may withdraw approval of an inmate organization for reasons of the security, good order, and discipline of the institution, or in accordance with § 551.34 (e).]**

28 CFR § 551.34(e) refers to Section 11.e. of this Program Statement.

The Warden is to provide written notification to an inmate organization when the approval of the inmate organization is withdrawn including the reason for the action.

13. **[FUNDING § 551.36. The Bureau of Prisons may fund approved activities of inmate organizations or organization requests for purchase of equipment or services for all inmates subject to the availability of designated funds.]**

a. **Funding of Approved Inmate Organization Activities.** The Warden may approve an inmate organization's activity which requires funds for expenditures from available institution Trust Fund Profit Sharing funds (funds which have been approved by the Chief, Trust Fund Branch and allotted to the institution through the budget execution process).

If the Warden approves a request for funds, the regular Bureau procurement process must be used to obtain the item or services for the inmate organization.

All non-expendable equipment purchased by Trust Fund remains Bureau property and not the inmate organization's. Procedures for inmate organizations to request funding are described below.

b. **Requests for Funding.** If an inmate organization activity requires funding or an inmate organization wishes to request a purchase of equipment or a service for all inmates, a written request must accompany the activity approval request. This written request for funding is to be specific and include all necessary details to facilitate the procurement by the Financial Management Office.

Only those items/activities authorized by Bureau policy may be purchased from Trust Fund Profit Sharing funds. Requests for funding may be made by the IOM or designee to the Warden.

c. Uses of Trust Fund Profit Sharing Funds for Inmate Activities. Trust Fund profits may not be used for the personal benefit of individual inmates, but may be used to provide benefit or the opportunity to benefit all inmates. Profits may not be used to purchase items ordinarily procured from funds appropriated by Congress for the care of prisoners.

Guidance on the appropriate use of Trust Fund Profits for inmate activities is found in the Trust Fund/Warehouse/Laundry Manual.

d. Review of Trust Fund Profit Use Requests. The Warden is to refer any request for the expenditure of Trust Fund Profit Sharing funds for any questionable inmate organization activity to the Regional Comptroller. If the Regional Comptroller concurs, the request is to be forwarded to the Chief, Trust Fund Branch for final determination.

Note: It is not necessary for an institution to have an inmate organization(s) to receive funds from the Trust Fund Profit Sharing Program. The institution will receive an appropriate distribution which can be expended at the Warden's discretion under the general guidelines for uses of Trust Fund profits as described in the Trust Fund/Warehouse/Laundry Manual.

13. FUND RAISING ACTIVITIES. Inmate organizations are not allowed to conduct fund raising activities of any type. Any dues required by a national organization must be collected and dispersed in accordance with Section 9 of the Program Statement. Donations to charitable organizations by inmates shall be made in accordance with Section 14.

14. DONATIONS. Any inmate or group of inmates choosing to make a charitable donation to an outside group must do so through the use of a form BP-199 or BP-201.

No Trust Fund Profit Sharing funds may be used to make these donations.

15. **INSTITUTION SUPPLEMENT.** An Institution Supplement must be prepared at each institution with inmate organizations.

a. **Required Information.** The Institution Supplement is to include, but is not limited to, the following information for each organization:

- (1) The name of the approved inmate organization.
- (2) The rate and method of collecting dues, if applicable.
- (3) Types of activities of the organization.
- (4) Designation of an IOM.

b. **General Information.** In addition, the Institution Supplement must include at least the following general information:

- (1) Any restrictions concerning organization activities.
- (2) Process for requesting approval for inmate organization activities and the process for requesting funds for any particular activity.
- (3) Guidance on the types of activities which may be considered for funding from the institution's Trust Fund Profit Sharing funds.
- (4) Records required for inmate organization activities.
- (5) Instructions for staff sponsors not covered in the Program Statement.

The annual review of the Institution Supplement will be performed during the annual operational review referred to in Section 10.a.

/s/
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Director